

IN THE UNITED DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

JANICE MORGAN, BARBARA)
RICHARDSON, CORA CANNON,)
LAURIE R. TROUT (WILSON))
on behalf of themselves)
and all others similarly situated,)

Plaintiffs,)

vs.)

CIVIL ACTION NUMBER:
CV-01-C-0303-W

FAMILY DOLLAR STORES, INC.,)
)
Defendants.)

MOTION FOR ATTORNEYS' FEES AND EXPENSES

Come now the plaintiffs, who move the Court for an award of attorneys' fees and expenses pursuant to 29 U.S.C. Section 216(b) and Federal Rule of Civil Procedure 54(d)(2). As grounds, plaintiffs state the following:

1. The Court has previously entered judgment for the plaintiffs on March 31, 2006 in the amount of \$33,247,978.64 for violation of the Fair Labor Standards Act. Dkt. #592.

2. Section 216(b) of the Fair Labor Standards Act provides that "[t]he court . . . shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a

reasonable attorney's fee to be paid by the defendant, and costs of the action." 29 U.S.C. §216(b).

3. An itemization of the time and expense reasonably incurred in securing judgment on behalf of the plaintiffs in this action is submitted contemporaneously herewith. A summary is attached.

4. Based upon the hours expended in the case, the hourly rates appropriate for the attorneys and paralegals involved, and the application of the standards set forth in *Johnson v. Georgia Highway Express*, 488 F.2d 714 (5th Cir. 1974) and *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 483 U.S. 711 (1987), plaintiffs request a total lodestar fee of \$7,027,026.85 together with \$1,010,792.95 in reimbursable expenses for the period through today's date, April 14, 2006. *See e.g. Dowdell v. City of Apopka, Fla*, 698 F.2d 1181, 1190 (11th Cir. 1983).

5. Plaintiffs further seek an upward adjustment of such lodestar for: (1) the risk of non-payment of a substantial amount of time and expense; (2) the delay in payment; (3) the novel and difficult issues involved; (4) the preclusion of other employment; (5) the undesirability of the case; and (6) the exceptional results obtained.

6. Plaintiffs request an expedited schedule for resolution of this motion, including an order requiring each party's briefs and evidence regarding such motion to be submitted on or before May 1, 2006.

WHEREFORE, plaintiffs request entry of judgment awarding attorneys' fees and expenses in the amount of \$8,037,819.80 together with an upward adjustment of one hundred percent for risk, delay, novelty, difficulty, undesirability, exceptional results and preclusion of other employment.

Respectfully submitted,

/s/Robert L. Wiggins, Jr.

Robert L. Wiggins, Jr.

Robert F. Childs, Jr.

C. Michael Quinn

Gregory O. Wiggins

Herman N. Johnson, Jr.

Kevin W. Jent

Counsel for the Plaintiffs

OF COUNSEL:

Wiggins, Childs, Quinn & Pantazis, LLC

The Kress Building

301 Nineteenth Street North

Birmingham, Alabama 35203

205/314-0500

J. Allen Schreiber

P. Mark Petro

OF COUNSEL:

SCHREIBER & PETRO, P.C.

Suite 250, 2 Metroplex Drive

Birmingham, Alabama 35209

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2006 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James Walker May

Jay D. St. Clair

T. Matthew Miller

Abdul K. Kallon

Ronald H. Kent

Stacey T. Bradford

BRADLEY, ARANT, ROSE & WHITE, LLP

One Federal Place, 1819 5th Avenue North

Birmingham, Alabama 35203

J. Mark White

Augusta S. Dowd

Attorney at Law

WHITE ARNOLD ANDREWS

& DOWD, P.C.

Suite 600, 2025 3rd Avenue No.

Birmingham, Alabama 35203

/s/Robert L. Wiggins, Jr.

OF COUNSEL

Summary of Itemized Time, Expenses and Hourly Rates

Attorney	Hours	Rate	Amount
Adams, Russell	306.75	350.00	107,362.50
Atha, Steven	233.25	350.00	81,637.50
Bachman, Eric	5.25	250.00	1,312.50
Blizzard, Wallace	99	250.00	24,750.00
Calamusa, Rocco	748.5	325.00	243,262.50
Calvin, Joe	9	375.00	3,375.00
Channell, Audrey	259.5	195.00	50,602.50
Childs, Robert	1262.93	495.00	625,150.35
Cooks, Rod	21	250.00	5,250.00
DeGweck, Ben	60.75	185.00	11,238.75
Donahue, Susan	713.75	185.00	132,043.75
Ebbinghouse, Rick	973.5	450.00	438,075.00
Fisher, Sam	10	450.00	4,500.00
Goldfarb, Jon	82.25	350.00	28,787.50
Hightower, Brad	0.1	200.00	20.00
Jent, Kevin	984.25	275.00	270,668.75
Johnson, Rusty	1043.05	250.00	260,762.50
Lowell, Allison	35.75	165.00	5,898.75
Lowell, Craig	62.5	325.00	20,312.50
Martin, Mintrel	18.5	195.00	3,607.50
Mattison, Deb	33	450.00	14,850.00
Pantazis, Dennis	203.25	450.00	91,462.50
Petro, Mark	1065.65	300.00	319,695.00
Quinn, C. Michael	628	495.00	310,860.00
Robertson, Ann	5	495.00	2,475.00
Sanford, David	0.75	325.00	243.75
Schreiber, Allen	1214.9	350.00	423,645.00
Simon, Kell	68.75	250.00	17,187.50
Smith, Jennifer	3.75	195.00	731.25
Sparks, Daniel	63.2	300.00	18,960.00
Trueblood, Temple	77.5	200.00	15,500.00
Welner, Maury	100.25	325.00	32,581.25
Wiggins, Ann	245.5	350.00	85,925.00
Wiggins, Greg	4547.5	325.00	1,477,937.50
Wiggins, Robert	1971.95	495.00	976,115.25
Wilson, Josh	790	185.00	146,150.00
Total Attorneys	17948.53		6,252,936.85
Paralegal	7740.9	100.00	774,090.00
Expenses			1,010,792.95
Total			8,037,819.80